

Bear Wilner-Nugent, OSB #044549
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL G. SCHWERN,

Plaintiff,

v.

PATRICK PLUNKETT,
Personal Representative of
the Estate of Nóirín Plunkett,

Putative Defendant.

Case No. 3:14-CV-00146-PK

**DECLARATION OF BEAR
WILNER-NUGENT IN SUPPORT OF
PLAINTIFF'S OBJECTIONS TO
PATRICK PLUNKETT'S MOTION
FOR ATTORNEY FEES AND BILL OF
COSTS**

I, BEAR WILNER-NUGENT, make the following declaration under the penalty of perjury and based on my own personal knowledge. I am competent to testify to the following:

1. I am the attorney for plaintiff Michael G. Schwern. I make this declaration in support of plaintiff's objections to putative defendant Patrick Plunkett's motion for attorney fees and bill of costs.
2. I have represented plaintiff at every stage of this litigation.

3. As plaintiff's counsel in this Court, the timing of the filing of plaintiff's complaint was my decision and not plaintiff's. It did not have anything to do with defendant Nóirín Plunkett's birthday, a date of which I was completely unaware at the time.
4. In addition to successfully employing an Irish process server to achieve actual (if, ultimately, legally ineffectual) personal service on Mr. Plunkett, my paralegal Jeff Price and I twice sought to use the Hague Convention process to personally serve the motion to substitute Mr. Plunkett, in his capacity as the personal representative of the estate of Ms. Plunkett, as the defendant in a manner that Mr. Plunkett would have had to concede complied with Fed. R. Civ. P. 4 and 25(a)(3). Both times, Mr. Price and I tendered all the forms and documents required by applicable law to the Irish Central Authority. Both times, we followed up with repeated attempts to communicate with a representative of the Central Authority about the fate of those forms and documents. Both times, no representative of the Central Authority ever responded to any of our followup communications. I have been unable to learn why this happened.

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand that they are made for use as evidence in court and are subject to penalty for perjury.

RESPECTFULLY SUBMITTED March 31, 2017.

/s/ Bear Wilner-Nugent

Bear Wilner-Nugent, OSB #044549
Attorney for Plaintiff